FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE
Criminal application No. 7357 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. Court's or Judge's orders

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Mr. D.S. Mhaispurker APP for applicant.

CORAM: B.H. MARLAPALLE
&
SMT. R.S. DALVI JJ.

DATE:19/1/2006

P.C.:

Heard Mr. Mhaispurker APP learned APP. The learned Sessions Judge, Pune, has acquitted the respondents in Sessions Case No. 426 of 2004, by his order dated 28.07.2005 for the offence punishable under section 302 and 376 IPC. This is an application seeking leave under section 378 Cr. P.C., for filing an appeal against the said order of acquittal.

The respondent was put on trial for the offence punishable under section 302 and 376 IPC., on account of the homicidal death of Sonali daughter of Vasant Deshpande in the room occupied by the accused and the deceased in a hotel at Lonawala on 27.7.2004.

The learned Sessions Judge held that the prosecution failed to prove the offences.

After considering the arguments advanced by the learned APP and the reasoning set out in support by the learned Sessions Judge, we are satisfied that this is a fit case to grant leave under section 378(3) Cr. P.C. Leave granted.

Appeal is admitted.

Action under section 390 Cr. P.C., to follow and the learned Sessions Jude is directed to submit compliance report within 2 months to the registry of this court.

(SMT.R.S. DALVI J.) (B.H.MARLAPALLE J.)